

OFFICIAL FILE

ORIGINAL

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Docket No. \_\_\_\_\_  
ICC Office Use Only

Vycera Communications, Inc.

Application for a certificate of  
local authority to operate as a reseller and facilities  
based carrier of telecommunications services in  
the SBC regions in the State of Illinois.

05-0300

2005 MAY -5 A 11:16  
ILLINOIS  
COMMUNICATIONS  
COMMISSION

**APPLICATION FOR CERTIFICATE TO BECOME A  
TELECOMMUNICATIONS CARRIER**  
(Use additional sheets as necessary.)

**GENERAL**

1. Applicant's Name (including d/b/a, if any)

FEIN # 33-0659638

*Vycera Communications, Inc. (f/k/a Genesis Communications International, Inc.)*

Address: *12750 High Bluff Drive, Suite 200*

City: *San Diego*

State/Zip: *California 92130*

2. Authority Requested: (Mark all that apply) \_\_\_\_\_ 13-403 Facilities Based Interexchange

\_\_\_\_\_ ☒ 13-404 Resale of Local and/or Interexchange

\_\_\_\_\_ ☒ 13-405 Facilities Based Local

*Vycera was previously granted resale interexchange service authority by the Commission in Docket No. 95-0318 on or about September 13, 1995. Vycera believes the certification and granted authority remains effective. If that is not the case, Vycera seeks resale interexchange service authority in the instant application, in addition to the above-noted local exchange service authorities.*

3. Request for waivers/variances: In applications for local exchange service authority under Sections 13-404 or 13-405, waivers of Part 710 and of Section 735.180 of Part 735 are generally requested. In applications for interexchange service authority under Sections 13-403 and 13-404, waivers of Part 710 and Part 735 are generally requested. Please indicate which waivers Applicant is requesting and explain why Applicant is requesting each waiver/variance.

\_\_\_\_\_ ☒ Part 710 Uniform System of Accounts for Telecommunications Carriers: *Vycera requests a waiver of the Part 710 Uniform System of Accounts for Telecommunications Carriers requirements. As noted in its responses to Appendix C and as demonstrated in the attached Chart of Accounts at Appendix I, Vycera's current system of accounts is as comprehensive as the Part 710 requirements. To require Vycera to alter its*

*system of accounts for part 710 and its operation in the State of Illinois would cause an unnecessary economic hardship on Vycera and lead to financial confusion regarding Vycera's operations and audit controls, including the work done to date and future efforts of outside accounting firms. Vycera's existing system of accounts is comprehensive and easily understood. To allow Vycera to maintain the existing system of accounts will not cause hardship for any consumer or third party.*

\_\_\_\_\_ Part 735 Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois

  X   Section 735.180 Directories: *Vycera requests a waiver of the Sec. 735.180 Directory requirement. As a competitive local exchange carrier ("CLEC"), Vycera will not publish its own directories; however, it will work with its subscribers and the incumbent local exchange carrier ("ILEC") and, if different, the publisher of directories to ensure that Vycera's subscribers have an opportunity to be listed in the telephone directory.*

\_\_\_\_\_ Other

4. For all applicants requesting local exchange authority under Section 13-404 or Section 13-405, please complete the following:

- (a) the Standard Questions for Applicants Seeking Local Exchange Service Authority found in Appendix A of this document;

*Please see Vycera's responses below to the questions set forth in Appendix A.*

- (b) the 9-1-1 Questions for Applicants Seeking Local Exchange Service Authority found in Appendix B of this document;

*Please see Vycera's responses below to the questions set forth in Appendix B.*

- (c) the Financial Questions for Applicants Seeking Local Exchange Service Authority found in Appendix C of this document; and

*Please see Vycera's responses below to the questions set forth in Appendix C.*

- (d) if applicable, the Prepaid Service Questions for Applicants Seeking Local Exchange Service Authority found in Appendix D of this document.

*Appendix D is attached to this application but left blank intentionally because it is not applicable.*

5. In what area of the state does the Applicant propose to provide service?

*Vycera proposes to provide service in specific areas of Illinois where SBC-IL serves as the incumbent local exchange carrier ("ILEC"). The list of tandems and NPA NXX is attached hereto as Exhibit J.*

6. Please designate contact persons to work with Staff on the following:

- a) issues related to processing this application
- b) consumer issues
- c) customer complaint resolution
- d) technical and service quality issues
- e) "tariff" and pricing issues
- f) 9-1-1 issues
- g) security/law enforcement

Please identify each contact person's (i) name, (ii) title, (iii) mailing address, (iv) telephone number, (v) facsimile number, and (vi) e-mail address.

*For items 6(a) and 6(e)-(g), please contact R. Dale Dixon, Jr., Vice President of Regulatory Affairs, Vycera Communications, Inc., 12750 High Bluff Drive, Suite 200, San Diego, California 92130, 858.792.2400 (tel), 858.794.0050 (fax) and ddixon@vycera.com (email).*

*For items 6(b)-(d), please contact Thalia R. Gietzen, Chief Financial Officer, Vycera Communications, Inc., 12750 High Bluff Drive, Suite 200, San Diego, California 92130, 858.792.2400 (tel), 858.794.0050 (fax) and tgietzen@vycera.com (email).*

7. Please check type of organization?

*Vycera Communications, Inc. is a California corporation formed on May 16, 1995*

8. Submit a copy of articles of incorporation and a copy of certificate of authority to transact business in Illinois.

*A copy of Vycera's articles of incorporation, with amendments, issued by the State of California and a copy of a Certificate of Good Standing issued by the Illinois Secretary of State are appended hereto as Appendix E.*

9. List jurisdictions in which Applicant is offering service(s).

*Currently, Vycera provides residential telecommunications services in California, Texas, Oregon, Colorado, New Mexico and Washington. In addition, Vycera is a certificated CLEC in Nevada and has CLEC applications pending in Utah, Idaho, Iowa, Minnesota and Arizona.*

10. Has the Applicant, or any principal in Applicant, been denied a Certificate of Service or had its certification revoked or suspended in any jurisdiction in this or another name?

\_\_\_\_\_ YES (Please provide details)    ☒ NO

11. Have there been any complaints or judgments levied against the Applicant in any other jurisdiction?

☒ YES    \_\_\_\_\_ NO

If YES, describe fully: *For the purpose of full disclosure and to avoid any confusion, Vycera reiterates that there has been no cease and desist order or adverse decision entered by a court or regulatory body; however, the California Public Utilities Commission ("CPUC") issued an Order Instituting Investigation ("OII"), Docket No. I.04-07-005, on July 8, 2004. The CPUC's Consumer Protection and Safety Division ("CPSD") and Vycera agreed to a settlement of the matters contained in the OII and received final CPUC approval of the agreed-upon settlement on May 17, 2005. A copy of the CPUC Order approving the settlement is appended hereto at Appendix F.*

12. Has Applicant provided service under any other name?

☒ YES    \_\_\_\_\_ NO

If YES, please list. *Vycera Communications, Inc. used to be known as Genesis Communications International, Inc. The name change occurred in or around June of 2002, at which time Vycera changed its name briefly to Vycera Communications, Inc., then permanently to Vycera in September of 2002.*

13. Will the Applicant keep its books and records in Illinois? \_\_\_\_\_ YES    ☒ NO

If NO, permission pursuant to 83 Ill. Admin. Code Part 250 needs to be requested.

*Vycera will utilize HIQ Corporate Services, Inc. as its authorized agent for service of process in the State of Illinois; however, books and records will be maintained at the company's corporate headquarters located at 12750 High Bluff Drive, Suite 200, San Diego, California 92130.*

*Pursuant to 83 Ill. Admin. Code Part 250.20, Vycera hereby requests respectfully permission and authority to maintain its books and records at company headquarters in California: 12750 High Bluff Drive, Suite 200, San Diego, California 92130. Requiring Vycera to maintain a second complete set of its books and records at an office in Illinois would be costly and unnecessarily duplicative. On the other hand, permitting Vycera to maintain its books and records in the central location of its corporate headquarters will not cause harm to consumers or any third party.*

#### **MANAGERIAL**

14. Please attach evidence of the applicant's managerial and technical resources and ability to provide service. This may be in either narrative form, resumes of key personnel, or a combination of these forms.

*Please see Vycera's Executive Management Biographies and Organizational Chart attached as Appendix G.*

15. List officers of Applicant.

*The officers of Vycera are Derek M. Gietzen, President and CEO, 12750 High Bluff Drive, Suite 200, San Diego, California 92130, and Thalia R. Gietzen, Treasurer, Secretary and CFO, 12750 High Bluff Drive, Suite 200, San Diego, California 92130. In addition, both Derek Gietzen and Thalia Gietzen are Vycera directors, and the other director of Vycera is John McCartin, 12750 High Bluff Drive, Suite 200, San Diego, California 92130.*

16. Does any officer of Applicant have an ownership or other interest in any other entity which has provided or is currently providing telecommunications services? \_\_\_\_ YES \_\_\_\_X\_\_ NO

If YES, list entity.

17. How will Applicant bill for its service(s)? (At a minimum, describe how often the Applicant will bill for service and details of the billing statement.)

*Vycera does not utilize third-party billing agents. Vycera generates and mails its own invoices based on the call detail record information it receives from the ILECs like SBC-IL. Like most local exchange carriers, Vycera invoices for local exchange service in advance. In other words, a January 1 invoice to a local exchange customer will include the monthly recurring charges for January's local exchange service. Vycera sends monthly invoices to its subscribers. In addition, Vycera has several billing cycles, sending invoices on different days each month.*

*A redacted sample billing statement from Texas is attached at Appendix H.*

18. How does Applicant propose to handle service, billing, and repair complaints? (At a minimum, describe Applicant's internal process for complaint resolution, the complaint escalation process, the timeframe and process by which the customer is notified by Applicant that they may seek assistance from the Commission?)

*Vycera maintains customer service representatives that can be reached toll free at 800.705.3500. In addition to general customer service and billing inquiries, repair complaints will be handled through that number by Vycera's technical support and repair representatives. Customer service representatives attempt to resolve all complaints during a customer's call to Vycera; however, some customers are not satisfied with the company's response. Invoices contain the Commission's contact information for complaints, and Vycera's customer service representatives will provide any caller with the state-specific agency contact information for complaints. If a customer complains through his or her state regulatory agency, Vycera responds to those complaints sent to it by the agency in accordance with that state's laws and regulations.*

19. Will personnel be available at Applicant's business office during regular working hours to respond to inquiries about service or billing? ☒ YES ☐ NO

*Vycera's customer service representatives are available Monday through Friday, 7:30 a.m. through 5:00 p.m. (Pacific time).*

20. What telephone number(s) would a customer use to contact your company?

*Customer service may be reached toll-free at 800.705.3500, and Vycera's main number is 858.792.2400.*

21. Will Applicant abide by all Federal and State slamming and cramming laws pursuant to Section 13-902 of the Public Utilities Act and Section 258 of the 1996 Telecommunications Act?

☒ YES ☐ NO

22. Please describe applicant's procedures to prevent slamming and cramming of customers?

*Vycera complies with all federal and state laws and regulations regarding slamming and cramming, including but certainly not limited to the proper use of third party verification ("TPV") for all sales. Vycera markets its services strictly through the use of telemarketing efforts. The telemarketers receive extensive training to explain fully and accurately all details of Vycera's services when selling the services. In addition, Vycera utilizes sales scripts and internal monitoring of sales efforts to ensure disclosure of all required topics in sales calls. Furthermore, Vycera has an internal Sales Follow-up Group ("SFG") that contacts each potential customer immediately after a telemarketer completes a sale and before TPV. The SFG representatives ensure that the potential customers understand fully what they have purchased and that they intend to switch to Vycera's telecommunications services. In addition, within a short number of days following TPV, Vycera mails each new customer a Welcome Package that sets forth the agreed-upon services and rates.*

23. If granted authority to operate as a local exchange carrier, will the applicant abide by the following 83 Illinois Administrative Code Parts: 705, 710, 720, 725, 730, 732, 735, 755, 756, 757, 770, and 772?

☒ YES ☐ NO (If no, please provide an explanation.)

*As noted and for the reasons set forth elsewhere in this application, Vycera is seeking a waiver of the Section 735.180 of Part 735 Directories requirement and Part 710 Uniform System of Accounts for Telecommunications Carriers requirements. For the other provisions noted above, including 83 Ill. Admin. Code Parts 705, 720, 730, 732, 735 (with the exception of 735.180 as noted), 755, 756, 757, 770 and 772, Vycera will abide by those regulations and requirements unless it seeks and is granted a waiver of any of those obligations.*

24. Is Applicant aware that it must file tariffs prior to providing service in Illinois?

☒ YES ☐ NO

#### **FINANCIAL**

25. Please attach evidence of Applicant's financial fitness through the submission of its most current income statement and balance sheet, or other appropriate documentation of applicant's financial resources and ability to provide service.

*Vycera considers its financial information and related documentation to be highly confidential business records containing critical, commercially sensitive and competitively significant data that is not available to the general public. Public disclosure of the information would place Vycera at a significant competitive disadvantage, impede full and fair competition and undermine Vycera's business plans in Illinois and elsewhere. In contrast, confidential treatment of the information will not adversely affect any interested party. Accordingly, Vycera requests that it be permitted to disclose relevant financial data to the Commission pursuant to a suitable*

protective order.

## TECHNICAL

26. Does Applicant utilize its own equipment and/or facilities? ☐ YES ☐ NO

*Vycera currently owns long distance switches in Los Angeles and Dallas. Those switches are not used for local exchange services, and thus, Vycera does not utilize its own equipment or facilities for the provision of local exchange services. Should Vycera decide to construct or install its own facilities in Illinois, it will not do so without first obtaining all necessary certifications, approvals and permits from state and local governments.*

If YES, please list the facilities Applicant intends to utilize. Also include evidence that Applicant possesses the necessary technical resources to deploy and maintain said facilities:

N/A

If NO, which facility provider(s)'s services does the Applicant intend to use?

*Vycera intends to purchase unbundled network elements and similar platform services from SBC-IL for local exchange services pursuant to an interconnection agreement, applicable tariff or commercial agreement. For transmission of long distance traffic, Vycera will purchase private line services from carriers such as Qwest and XO.*

27. Please describe the nature of service to be provided (e.g., operator services, internet, debit cards, long distance service, data services, local service, prepaid local service).

*Vycera intends to offer local exchange service to residential customers in Illinois. At this time, Vycera has no plans to extend its offering to business customers. Further, Vycera intends to provide residential customers with flat-rate residential basic local exchange service and bundled services consisting of basic local exchange service and toll calling service and value calling plans, along with custom calling features like Caller ID, Call Waiting and Three-Way Calling.*

28. Will technical personnel be available at all times to assist customers with service problems?

☐ YES ☐ NO

*As noted above, customers may contact Vycera customer service representatives to report technical problems from Monday through Friday, 7:30 a.m. through 5:00 p.m. (Pacific time). After those business hours, customers may leave a message if they have technical problems, and a technical representative will be paged to return the customer's call and assist with the technical issue.*

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29. If Applicant intends to provide payphone service, will the equipment utilized comply with FCC requirements and Finding (9) of the Commission Order entered in Docket No. 84-0442 on June 11, 1986, including, but not limited to: (a) touch dialing; (b) access to 9-1-1 and "0" operator dialing without use of a coin; (c) rules governing use of payphones by disabled persons; (d) ability to complete local and long-distance calls; (e) unlimited duration for local calls; and (f) a message explaining the telephone's general operations, dialing instructions for emergency assistance, payphone owner's name, method of reporting service problems and method of receiving credit for faulty calls? \_\_\_\_\_ YES \_\_\_\_\_ NO

*Vycera does not intend to provide payphone service.*

Dated: May 4, 2005



R. Dale Dixon, Jr.  
Vice President of Regulatory Affairs  
Vycera Communications, Inc.  
12750 High Bluff Drive, Suite 200  
San Diego, California 92130  
858.792.2400 (tel)  
858.794.0050 (fax)  
[ddixon@vycera.com](mailto:ddixon@vycera.com) (email)

# VERIFICATION

This application shall be verified under oath.

## OATH

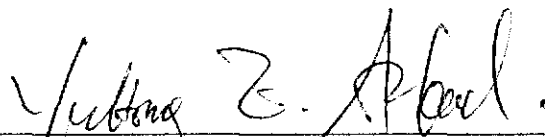
State of California                   )  
  ) ss  
County of San Diego                )

Derek M. Gietzen makes oath and says that he is President and Chief Executive Officer of Vycera Communications, Inc., that he has examined the foregoing application and that to the best of his knowledge, information, and belief, all statements of fact contained in the said application are true, and the said application is a correct statement of the business and affairs of the above-named applicant in respect to each and every matter set forth therein.

  
(Signature of affiant)

Subscribed and sworn to before me, a Notary Public/ Yu Hong E. Ackad  
(Title of person authorized to administer oaths)

in the State and County above named, this 3rd day of May, 2005.

  
(Signature of person authorized to administer oath)

